

Notice of Allowability

Application No.

09/746,333

Examiner

Cheukfan Lee

Applicant(s)

CLIFTON, LORI

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed August 18, 2006.
2. ☒ The allowed claim(s) is/are 1, 2-10, and 12-20, now renumbered 1-18, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Cheukfan Lee

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Larry Baker (Reg. No. 39,593) on September 29, 2006. Mr. Baker agreed to canceled newly added independent claim 21 in order to place the application in condition for allowance.

2. **Please amend the claims as follows:**

Cancel claim 21.

3. The following is an examiner's statement of reasons for allowance:

Claims 1 and 10 as amended includes the limitations of the "housing" and "sub-housing", which in combination with other limitations of any of claims 1 and 10 are not taught by the prior art of record, including the prior art references applied in the previous Office Action dated July 5, 2006, Clark et al. (4,757,389), Wang (6,111,244), Motamed (6,327,047), Selby (5,404,232), and Fukushi (6,226,105), alone or in combination.

Claims 3-9 depend on claim 1. Claims 12-15 depend on claim 10.

Reasons for allowance for claim 19 and 20 given in the previous Office Action dated July 5, 2006 are still valid and are repeated below.

Claim 19 and its dependent claim 20 is allowable over the prior art of record, including the references discussed for claims 1 and 10 above. Those references each disclose one or more but not all limitations of claim 19, such that when combined, they may provide a structure of a multifunction device somewhat similar to the structure of the device of claim 19. However, these references, alone or in combination, do not teach the claimed structure including the "sub-housing" of the color flatbed scanner supported in the "housing", and the positional relationship of the housing, the sub-housing, the calibration targets, etc. Fukushi (6,226,105), the reference closest to the claimed "housing", (Fukushi discloses that a flat bed scanner and a printer are advantageously placed in the same housing, see col. 2, lines 37-40, col. 3, lines 49-55, Fig. 2) does not disclose a sub-housing of a scanner having a structure as that defined in claim 19. Thus, the feature of the sub-housing in the housing, in combination with other limitations of claim 19, is not taught by the prior art of record, alone or combined.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (571) 272-7407. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

Art Unit: 2625

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Cheukfan Lee
September 29, 2006